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TO: Commissioner of Patents and
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Attn: Quoc D. Tran
Patent Examiner AU 2643
Facsimile: (703) 872-9306

FROM: Thomas R Haverstock
HAVERSTOCK & OWENS LLP
162 North Wolfe Road
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Date: 11-23-04 Time: 2:45 a.m./(p.m)Pages (including cover): 17 Client Code: AVALLUC-00301

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P. 002/017

Attorney Docket No.: PATENT
AVAILUC-00301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	) Group Art Unit: 2643
Connie Blackburn <i>et al.</i>	) Examiner: Tran, Q.
Serial No.: 09/512,838	) FACSIMILE TRANSMITTAL COVER
Filed: February 25, 2000	) 162 North Wolfe Road
For: A SYSTEM AND METHOD OF	) Sunnyvale, California 94086
BILLING A PREDETERMINED	) (408) 530-9700
TELEPHONE LINE FOR SERVICE	) Customer No.: 28960
UTILIZED BY A CALLING PARTY)

Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached to this transmittal are:

1. Copy of Response filed June 1, 2004;
2. Copy of Postal Receipt Card stamped by USPTO on June 3, 2004;
3. Request for expedited handling.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 08-1275. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

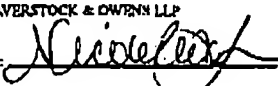
Dated: 11-23-04

By: 

Thomas B. Haverstock

Reg. No.: 32,571

Attorneys for Applicant

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Date: <u>11-23-04</u>	By: 

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NOV 23 2004

PATENT
Attorney Docket No.: AVALUC-00301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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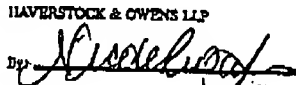
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Attorney Docket No.: PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit: 2643
Connie Blackburn <i>et al.</i>	) Examiner: Tran, Q.
Serial No.: 09/512,838	) REQUEST FOR EXPEDITED
Filed: February 25, 2000	) HANDLING
For: A SYSTEM AND METHOD OF	) 162 North Wolfe Road
BILLING A PREDETERMINED	) Sunnyvale, California 94086
TELEPHONE LINE FOR SERVICE	) (408) 530-9700
UTILIZED BY A CALLING PARTY	) Customer No.: 28960

Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions for **EXPEDITED HANDLING** for the following reasons:

1. The Office mailed a Final Office Action on April 16, 2004. Within the Final Office Action, a shortened statutory period for reply was set to expire 3 months from the mailing date.
2. Applicant filed an Amendment and Response to Final Office Action on June 1, 2004, which was within the 2 month time frame for receiving an Advisory Action from the Office. Exhibit A includes a copy of the Certificate of Mailing showing the mailing date to be June 1, 2004. Exhibit B includes a copy of the return receipt postcard showing that the Office received the Applicant's Amendment and Response to Final Office Action on June 3, 2004.
3. The undersigned spoke with the Examiner via telephone to request the current status of the Advisory Action, the current status of the Application, and the current disposition of the claims, in light of the pending 6 month statutory period for reply. As of October 15,

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Attorney Docket No.: AVALUC-00301

2004, the current status of the Advisory Action, the current status of the Application, and the current disposition of the claims remains unknown.

4. To reply within the 6 months maximum statutory period for reply and to avoid abandonment of the application, on October 15, 2004, the Applicant filed a Notice of Appeal and paid the 3 month extension of time fee, \$980.00.
5. Today, November 23, 2004, the undersigned again spoke with the examiner. The status of the case remains unknown. The examiner advised that the case was pulled from him to enter it into the paperless system, and has not been returned and is not yet available for him to work on.
6. Moreover, the examiner advised that the Response filed on June 1, 2004, is not yet available electronically. **Accordingly, the Applicant requests that the attached copy of that Response be expeditiously entered into the system and promptly be made available to the examiner.**
7. If any issue remains that prevents prompt handling of this matter, the Office is encouraged to contact the undersigned at (408) 530-9700.


Dated: 11-23-04

By: 

Thomas B. Haverstock

Reg. No.: 32,571

Attorneys for Applicant

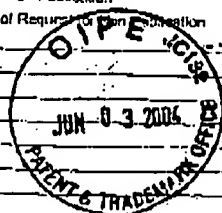
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on the date shown below.	
HAVERSTOCK & OWENS LLP	
Date: <u>11-23-04</u>	By: 

- 2 -

COPY

Serial No.: 09/512,838 H&O File No.: AVAUC-00301 By: TBH
 In the Matter of The Application of: Connie Blackburn et al.
 Date Mailed: 6-1-04 Due Date: 7-16-04
 The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

<input type="checkbox"/> Design Patent Application _____ Pages	<input type="checkbox"/> Form PTO-1533 (Not of Missing Parts)	<input checked="" type="checkbox"/> Transmittal Letter <input checked="" type="checkbox"/> Duplicate
<input type="checkbox"/> Utility Patent Application _____ Pages	<input type="checkbox"/> Form PTO-654 (Issue Fee Trans.) & dup.	<input type="checkbox"/> Certificate of Mailing
<input type="checkbox"/> Prov. Patent Application _____ Pages	<input type="checkbox"/> Form PTO-136 (Cert. of Correction)	<input type="checkbox"/> Certificate of Express Mailing
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<input type="checkbox"/> _____ Statement	<input type="checkbox"/> Copy of Filing Receipt	
<input type="checkbox"/> Drawings: _____ Sheet(s)	<input type="checkbox"/> Req. for Correc.	
<input type="checkbox"/> _____ Form(s)	<input type="checkbox"/> Request for Non-Publication	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Prosecution of Request for Non-Publication	
<input type="checkbox"/> Form PTO-1440 (Info. Disc. Stmt.)		
<input type="checkbox"/> _____		
<input type="checkbox"/> Information Disclosure Certification		
<input checked="" type="checkbox"/> Extension of Time Request _____ Month(s)		
<input type="checkbox"/> Publication		



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PATENTAttorney Docket No.: AVALUC-00301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit: 2643
Connie Blackburn et al) Examiner: Tran, Q.
Serial No.: 09/512,838) TRANSMITTAL LETTER
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TELEPHONE LINE FOR SERVICE) Customer Number 28960
UTILIZED BY A CALLING PARTY)

MS: Non-Fee Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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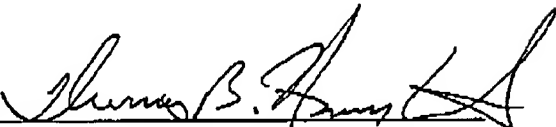
Sir:

Enclosed please find an Amendment and Response to the Final Office Action mailed on April 16, 2004 for filing with the U.S. Patent and Trademark Office.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,
 HAVERSTOCK & OWENS LLP

Dated: June 1, 2004

By: 
 Thomas B. Haverstock
 Reg. No.: 32,571

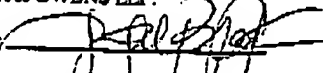
Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

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HAVERSTOCK & OWENS LLP.

Date: 6-1-04 By: 

PATENTAttorney Docket No.: AVALUC-00301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit: 2643
Connie Blackburn et al.) Examiner: Tran, Q.
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MS: Non-Fee Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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Sir:

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Respectfully submitted,
 HAVERSTOCK & OWENS LLP

Dated: June 1, 2004

By: 
 Thomas B. Haverstock
 Reg. No.: 32,571

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HAVERSTOCK & OWENS LLP.

Date: 6-1-04By: 

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Attorneys for Applicants

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PATENT
Attorney Docket No.: AVALUC-00301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Connie Blackburn *et al.*

Serial No.: 09/512,838

Filed: February 25, 2000

For: **A SYSTEM AND METHOD OF
BILLING A PREDETERMINED
TELEPHONE LINE FOR SERVICE
UTILIZED BY A CALLING PARTY**

Group Art Unit: 2643

Examiner: Tran, Q.

COPY

**AMENDMENT AND RESPONSE TO
FINAL OFFICE ACTION MAILED ON
April 16, 2004**

162 North Wolfe Road
Sunnyvale, California 94086
(408) 530-9700

Customer No.: 28960

MS: Non-Fee Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENTS

Please amend the application as follows:

PATENT
Attorney Docket No.: AVALUC-00301

Marked-up Version of the Claims:

1 1. (previously presented) A billing system for automatically charging a call to a
2 predetermined telephone line, the billing system comprising:
3 a. a service configured to receive an incoming call from a calling party and to
4 initiate an outgoing call to a called party;
5 b. a switch coupled to the predetermined telephone line configured to store billing
6 information in response to a triggering event; and
7 c. a control point coupled to the service, the calling party, and the switch wherein the
8 control point is configured to activate the triggering event in response to receiving
9 an appropriate signal from the service and to transfer the incoming call from the
10 service to the called party such that the calling party and the called party are
11 connected thereby forming the outgoing call, wherein the billing information
12 corresponding to the outgoing call is stored in the switch and the stored billing
13 information is used to charge the predetermined telephone line.

1 2. (original) The billing system according to claim 1 wherein the service is a voice
2 messaging system.

1 3. (previously presented) The billing system according to claim 1 further comprising an
2 additional switch coupled to the control point configured to transfer the call from the service to
3 the called party wherein the calling party and the called party are connected and the service is
4 disconnected.

1 4. (previously presented) The billing system according to claim 1 wherein the
2 predetermined telephone line is set as a specific telephone line by the calling party.

1 5. (cancelled)

1 6. (currently amended) A method of billing a call to a predetermined telephone line wherein
2 a user initiates the call from a calling party to a called party through a service, comprising the

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Attorney Docket No.: AVALUC-00301

3 following steps:

- 4 a. ~~conveying data from the service to a control point, wherein the data indicates the~~
5 ~~called party and the calling party~~ configuring a service to receive an incoming call
6 from a calling party and to initiate an outgoing call to a called party;
7 b. ~~temporarily routing the call to a switch associated with the predetermined~~
8 ~~telephone line~~ configuring a switch to store billing information in response to a
9 triggering event; and
10 c. ~~forming a new call originating from the calling party and terminating at the called~~
11 ~~party~~ configuring a control point to activate the triggering event in response to
12 receiving an appropriate signal from the service and to transfer the incoming call
13 from the service to the called party such that the calling party and the called party
14 are connected thereby forming the outgoing call, wherein the billing information
15 corresponding to the outgoing call is stored in the switch and the stored billing
16 information is used to charge the predetermined telephone line;
17 ~~d. storing billing information related to the new call in the switch associated with the~~
18 ~~predetermined telephone line in response to a signal initiated by the service; and~~
19 ~~e. automatically billing the new call to the predetermined telephone line using the~~
20 ~~stored billing information.~~

1 7. (previously presented) The method according to claim 6 further comprising activating a
2 terminating attempt trigger in the switch associated with the predetermined telephone line.

1 8. (previously presented) The method according to claim 7 wherein storing billing
2 information on the switch is in response to activating the terminating attempt trigger.

1 9. (previously presented) The method according to claim 8 wherein the stored billing
2 information includes a call duration of the new call and a particular feature utilized during the
3 new call.

1 10. (previously presented) The method according to claim 6 further comprising setting a
2 telephone line as the predetermined telephone line.

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Attorney Docket No.: AVALUC-00301

1 11. (previously presented) The method according to claim 6 wherein the calling party is not
2 at the predetermined telephone line.

1 12. (previously presented) The method according to claim 6 wherein the calling party is the
2 predetermined telephone line.

1 13. (currently amended) A method of billing a call to a predetermined telephone line wherein
2 a user initiates the call through a service from a calling party to a called party, comprising the
3 following steps:

- 4 a. ~~conveying call data from the service to a control point wherein the control point is~~
5 ~~coupled to the calling party, the predetermined telephone line, and the called party~~
6 ~~receiving an incoming call from the calling party by the service;~~
7 b. ~~terminating the call to the service sending a signal from the service to a control~~
8 ~~point;~~
9 c. ~~forming a new call to link the calling party to the called party activating a~~
10 ~~triggering event in a switch associated with the predetermined telephone line by~~
11 ~~the control point in response to receiving the signal from the service;~~
12 d. ~~storing billing information related to the new call on a switch associated with the~~
13 ~~predetermined telephone line in response to a signal initiated by the service~~
14 ~~transferring the incoming call from the service to the called party such that the~~
15 ~~calling party and the called party are connected, thereby forming an outgoing call;~~
16 and
17 e. ~~automatically billing the new call to the predetermined telephone line using the~~
18 ~~stored billing information storing billing information corresponding to the~~
19 ~~outgoing call in the switch, wherein the billing information is used to charge the~~
20 ~~predetermined telephone line.~~

1 14. (currently amended) The method according to claim 13 further comprising temporarily
2 connecting the incoming call to the predetermined telephone.

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Attorney Docket No.: AVALUC-00301

- 1 15. (currently amended) The method according to claim 14 further comprising the following
2 steps:
- 3 a. terminating the incoming call to the predetermined telephone line; and
4 b. automatically querying the control point via a terminating attempt trigger located
5 within the switch associated with the predetermined telephone line in response to
6 terminating the incoming call to the predetermined telephone line.
- 1 16. (currently amended) The method according to claim 15 wherein storing the billing
2 information related to the new outgoing call on the switch is in response to querying the control
3 point.
- 1 17. (currently amended) The method according to claim 16 wherein the stored billing
2 information includes a call duration of the new outgoing call and a particular feature utilized
3 during the new outgoing call.
- 1 18. (previously presented) The billing system according to claim 1 wherein the control point
2 activates the triggering event in response to the service initiating the outgoing call to the called
3 party.
- 1 19. (previously presented) The billing system according to claim 1 wherein the switch is
2 configured to transfer the call from the service to the called party wherein the calling party and
3 the called party are connected and the service is disconnected.
- 1 20. (previously presented) The billing system according to claim 1 wherein the stored billing
2 information includes a call duration of the new call and a particular feature utilized during the
3 new call.
- 1 21. (previously presented) The billing system according to claim 1 wherein the calling party
2 is not at the predetermined telephone line.
- 1 22. (previously presented) The billing system according to claim 1 wherein the calling party

PATENT
Attorney Docket No.: AVALUC-00301

2 is the predetermined telephone line.

1 23. (previously presented) The method according to claim 13 wherein the calling party is not
2 at the predetermined telephone line.

1 24. (previously presented) The method according to claim 13 wherein the calling party is the
2 predetermined telephone line.

PATENT
Attorney Docket No.: AVALUC-00301

R E M A R K S

Applicants respectfully request further examination and reconsideration in view of the amendments above and the arguments set forth fully below. Claims 1-4 and 6-24 were previously pending in this application. Within the Office Action, claims 1-4 and 18-22 are allowed. Claims 6-17, 23, and 24 are rejected. By the above amendments, claims 6 and 13-17 are amended. Accordingly, Claims 1-4 and 6-24 are currently pending in this application.

Amendments to the independent method claims 6 and 13 do not incorporate new subject matter and do not raise new issues since the claims 6 and 13 as amended include method steps that correspond to the functional limitations claimed in the allowed independent system claim 1.

Rejections Under 35 U.S.C. § 102

Within the Office Action, claims 6-17, 23, and 24 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,493,438 issued to Gross et al. (hereinafter "Gross").

It is stated in the Office Action that the independent system claim 1 is allowable over the prior art, including Gross. The independent system claim 1 is directed to a billing system for automatically charging a call to a predetermined telephone line. The billing system includes a service configured to receive an incoming call from a calling party and to initiate an outgoing call to a called party, a switch coupled to the predetermined telephone line configured to store billing information in response to a triggering event, and a control point coupled to the service, the calling party, and the switch wherein the control point is configured to activate the triggering event in response to receiving an appropriate signal from the service and to transfer the incoming call from the service to the called party such that the calling party and the called party are connected, wherein the billing information corresponding to the outgoing call is stored in the switch and the stored billing information is used to charge the predetermined telephone line.

The amended independent method claim 6 includes similar subject matter as that of the allowed independent system claim 1, but in the form of a method claim. The amended independent method claim 6 is directed to method of billing a call to a predetermined telephone line wherein a user initiates the call from a calling party to a called party through a service. The method comprises the steps of configuring a service to receive an incoming call from a calling party and to initiate an outgoing call to a called party, configuring a switch to store billing

PATENT
Attorney Docket No.: AVALUC-00301

information in response to a triggering event, and configuring a control point to activate the triggering event in response to receiving an appropriate signal from the service and to transfer the incoming call from the service to the called party such that the calling party and the called party are connected thereby forming the outgoing call, wherein the billing information corresponding to the outgoing call is stored in the switch and the stored billing information is used to charge the predetermined telephone line. As acknowledged in the Office Action, the independent system claim 1 is allowable over Gross. Since the independent method claim 6 includes similar subject matter as that in allowed claim 1, but in method form, then the independent method claim 6 is also allowable.

Claims 7-12 are each dependent upon the independent Claim 6. As discussed above, Claim 6 is allowable. Accordingly, Claims 7-12 are each also allowable as being dependent upon an allowable base claim.

The amended independent method claim 13 also includes similar subject matter as that of the allowed independent system claim 1, but in the form of a method claim. The amended independent method claim 13 is directed to a method of billing a call to a predetermined telephone line wherein a user initiates the call through a service from a calling party to a called party. The method includes the steps of receiving an incoming call from the calling party by the service, sending a signal from the service to a control point, activating a triggering event in a switch associated with the predetermined telephone line by the control point in response to receiving the signal from the service, transferring the incoming call from the service to the called party such that the calling party and the called party are connected, thereby forming an outgoing call, and storing billing information corresponding to the outgoing call in the switch, wherein the billing information is used to charge the predetermined telephone line. As acknowledged in the Office Action, the independent system claim 1 is allowable over Gross. Since the independent method claim 13 includes similar subject matter as that in allowed claim 1, but in method form, then the independent method claim 13 is also allowable.


Claims 14-17 and 23-24 are each dependent upon the independent Claim 13. As discussed above, claim 13 is allowable. Accordingly, claims 14-17 and 23-24 are each also allowable as being dependent upon an allowable base claim.

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For at least the reasons given above, Applicants respectfully submit that all of the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 6-1-04

By: 
Thomas B. Haverstock
Reg. No. 32,571
Attorneys for Applicants

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HAVERSTOCK & OWENS LLP

Date: 6-1-04 By: 